

1 ROD DANIELSON, Chapter 13 Trustee  
2 Bridget Kelly, 256197  
3 3787 University Avenue  
4 Riverside, CA 92501  
5 (951) 826-8000 FAX (951) 826-8090  
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9 UNITED STATES BANKRUPTCY COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11 RIVERSIDE DIVISION

12		)	Case No.: 6:23-bk-13159-WJ
13	IN RE:	)	
14		)	Chapter 13
15		)	
16	GRAYSON ANN PIERSON,	)	CHAPTER 13 TRUSTEE'S MOTION TO
17		)	DISMISS AND OBJECTION TO PLAN
18		)	CONFIRMATION
19		)	
20	Debtor(s).	)	
21		)	<u>Confirmation Hearing</u>
22		)	Date: December 18, 2023
23		)	Time: 10:30 AM
24		)	Courtroom: 304

25 In accordance with the Scheduling Order, the Chapter 13 Trustee hereby moves for an  
order dismissing this case. Any opposition to this motion must be filed per the deadline set  
forth in the Scheduling Order. Failure to comply with these provisions may result in dismissal  
of the case.

Dismissal is requested pursuant to 11 U.S.C. § 1307(c)(1) and LBR 3015-1(k)(4) for  
unreasonable delay for failure to timely make all plan payments due, to provide proof of all  
post-petition mortgage payments, failure to disclose all assets, and failure to resolve the

1 infeasibility. Since the filing of this petition, the following payments have come due and have  
2 been paid:

AMOUNT DUE	DUE DATE	AMOUNT PAID	PAYMENT DATE
\$3,400	8/19/23	\$3,400	8/22/23
\$4,631	9/19/23	\$1,200 \$2,200	9/7/23 9/21/23
\$4,631	10/19/23	\$1,200 \$2,200	10/12/23 10/23/23
\$4,631	11/19/23	\$1,200 \$2,200	11/13/23 11/20/23
Total due: \$17,293		Total paid: \$13,600	

11 See Exhibit A. The current delinquency is \$3,693. The plan payments have not been timely  
12 made and any cure now of the delinquency will not be able to remedy the late payments.


13 The debtor did file a Secured Debt Payment History Declaration (document number  
14 forty) for the real property located in Oregon, but failed to attach proof of the August mortgage  
15 payment which was to be directly paid by the debtor. The conduit payments started in  
16 September 2023. See Exhibit B.

17 The debtor failed to disclose all assets. A secured claim was filed by Hilton Resorts for  
18 a Las Vegas timeshare (claim number fourteen). The timeshare is not disclosed on the  
19 schedule A/B and this creditor was not listed on the schedules.

20 The plan is currently infeasible. To cover the IRS claim, the payment would have to  
21 increase to \$6,638 (this doesn't include the conduit portion) starting December 2023. Debtor's  
22 schedule J shows only \$3,881.48 available to fund the plan. The claim was filed on July 27,  
23 2023 and this issue was discussed at the 341(a) meeting. No action has been done to resolve  
24 the infeasibility (e.g., objection to the claim).  
25

1 For all the foregoing reasons, the Chapter 13 Trustee objects to confirmation of the  
2 plan and requests the case be dismissed.

3  
4 Dated: November 29, 2023

  
5 ROD DANIELSON, Chapter 13 Standing Trustee

**DECLARATION OF BRIDGET KELLY**

I, BRIDGET KELLY, declare as follows:

1. I am an attorney licensed by the State of California to practice law. I am a Staff Attorney for Rod Danielson, Chapter 13 Standing Trustee for the Riverside Division of the United States Bankruptcy Court for the Central District of California. I am admitted to practice before the District Court for the Central District of California.

2. I have personally reviewed the files, records, and documents in this case and I am familiar with the facts contained in those documents. If called as a witness, I could and would be able to testify as to the facts contained therein.

3. As of today's date, only \$13,600 in plan payments have been received versus the \$17,293 plan payments due. A true and correct copy of the Status Report is attached hereto as Exhibit A.

4. The Secured Debt Payment History Declaration filed as document number forty fails to attach proof of the August mortgage payment which was to be directly paid by the debtor. The conduit payments started in September 2023. A true and correct copy of the email confirming the conduit start date is attached hereto as Exhibit B.

5. A secured claim was filed by Hilton Resorts for a Las Vegas timeshare (claim number fourteen). The timeshare is not disclosed on the schedule A/B and this creditor was not listed on the schedules.

6. The plan is currently infeasible. To cover the IRS claim, the payment would have to increase to \$6,638 (this doesn't include the conduit portion) starting December 2023.

7. Debtor's schedule J shows only \$3,881.48 available to fund the plan.

8. The claim was filed on July 27, 2023 and this issue was discussed at the 341(a) meeting.

1 I declare under penalty of perjury that the foregoing is true and correct and that this  
2 declaration was executed by me at Riverside, California.

3  
4 DATED: November 29, 2023



5  
6 Bridget Kelly

**STATUS REPORT - CASE #6:23-bk-13159-WJ AS OF 11/29/2023**

GRAYSON ANN PIERSON  
11355 8TH AVE  
HESPERIA, CA 92345-2002

LAST 12 RECEIPTS		TOTAL RECEIPTS PER MONTH - LAST 12 MONTHS	
11/20/23	\$2,200.00	11/2023	\$3,400.00
11/13/23	\$1,200.00	10/2023	\$3,400.00
10/23/23	\$2,200.00	09/2023	\$3,400.00
10/12/23	\$1,200.00	08/2023	\$3,400.00
09/21/23	\$2,200.00	07/2023	\$0.00
09/07/23	\$1,200.00	06/2023	\$0.00
08/22/23	\$3,400.00	05/2023	\$0.00
		04/2023	\$0.00
		03/2023	\$0.00
		02/2023	\$0.00
		01/2023	\$0.00
		12/2022	\$0.00

CURRENT CASE DISPOSITION: ACTIVE

FILING DATE: 07/19/2023	MONTHLY PLAN PMT AMT: \$4,631.00	FEES PAID TO ATTY: \$0.00
1ST MEETING DATE: 08/23/2023	GROSS RECEIPTS: <b>\$13,600.00</b>	FEES PAID TO TRUSTEE: \$1,360.00
CONFIRMATION DATE: 01/01/1900	REFUNDS FR CREDITORS: \$0.00	REFUNDS TO DEBTOR: \$0.00
TERM OF PLAN: 60 MONTHS	NET PAID CREDITORS: \$4,434.88	BALANCE ON HAND: \$7,805.12
PERCENT TO UNSEC.: 100.00%		

CLM#	CREDITOR NAME	CREDITOR CLASS	INT%	SCHEDULED AMOUNT	CLAIMED AMOUNT	PRINCIPAL PAID	INTEREST PAID	PRINCIPAL BAL OWED
ATTY	NEXUS BANKRUPTCY	ATTORNEY FEE	N/A	\$2,500.00	\$2,500.00	\$0.00	\$0.00	\$2,500.00
0001	BRIDGECREST	SECURED	9.25	\$40,896.00	\$44,210.95	\$0.00	\$0.00	\$0.00
0002	Santander Consumer USA	SECURED	9.25	\$15,717.00	\$16,252.46	\$0.00	\$0.00	\$0.00
0003	SHELLPOINT MORTGAGE	MORTGAGE ARREARS	0.00	\$80,000.00	\$0.00	\$0.00	\$0.00	\$0.00
0004	INTERNAL REVENUE SERVICE	PRIORITY	0.00	\$10,000.00	\$162,248.02	\$0.00	\$0.00	\$0.00
0005	AVANT	UNSECURED	0.00	\$137.00	\$0.00	\$0.00	\$0.00	\$0.00
0006	CAPITAL ONE NA	UNSECURED	0.00	\$720.00	\$888.16	\$0.00	\$0.00	\$0.00
0007	LVNV FUNDING LLC	UNSECURED	0.00	\$1,305.00	\$1,239.22	\$0.00	\$0.00	\$0.00
0008	LVNV FUNDING LLC	UNSECURED	0.00	\$919.00	\$919.95	\$0.00	\$0.00	\$0.00
0009	LVNV FUNDING LLC	UNSECURED	0.00	\$605.00	\$605.15	\$0.00	\$0.00	\$0.00
0010	DESTINY CARD	UNSECURED	0.00	\$172.00	\$0.00	\$0.00	\$0.00	\$0.00
0011	FIRST DIGITAL	UNSECURED	0.00	\$206.00	\$0.00	\$0.00	\$0.00	\$0.00
0012	FIRST PREMIER BANK	UNSECURED	0.00	\$353.00	\$0.00	\$0.00	\$0.00	\$0.00
0013	FIRST PROGRESS	UNSECURED	0.00	\$508.00	\$0.00	\$0.00	\$0.00	\$0.00
0014	HIGH DESERT CREDITORS	UNSECURED	0.00	\$9,177.00	\$0.00	\$0.00	\$0.00	\$0.00
0015	HIGH DESERT CREDITORS	UNSECURED	0.00	\$1,047.00	\$0.00	\$0.00	\$0.00	\$0.00
0016	QUANTUM3 GROUP LLC	UNSECURED	0.00	\$294.00	\$149.99	\$0.00	\$0.00	\$0.00
0017	Midnight Velvet	UNSECURED	0.00	\$148.00	\$0.00	\$0.00	\$0.00	\$0.00
0018	MOHELA	UNSECURED	0.00	\$3,233.00	\$0.00	\$0.00	\$0.00	\$0.00
0019	MOHELA	UNSECURED	0.00	\$1,831.00	\$0.00	\$0.00	\$0.00	\$0.00
0020	ASCENDIUM EDUCATION SOLUTION	UNSECURED	0.00	\$261,886.00	\$276,243.67	\$0.00	\$0.00	\$0.00
0021	THE BANK OF MISSOURI	UNSECURED	0.00	\$44.00	\$0.00	\$0.00	\$0.00	\$0.00
0022	THE BANK OF MISSOURI	UNSECURED	0.00	\$264.00	\$0.00	\$0.00	\$0.00	\$0.00
0023	QUANTUM3 GROUP LLC	UNSECURED	0.00	\$0.00	\$271.63	\$0.00	\$0.00	\$0.00
0024	PYOD, LLC	UNSECURED	0.00	\$0.00	\$4,346.83	\$0.00	\$0.00	\$0.00
0025	CAPITAL ONE NA	UNSECURED	0.00	\$0.00	\$410.91	\$0.00	\$0.00	\$0.00
0026	NEWREZ LLC **	SECURED ON-GOING DEB	0.00	\$0.00	\$0.00	\$4,434.88	\$0.00	\$0.00
<b>TOTAL PRINCIPAL BALANCE OWED*:</b>								<b>\$2,500.00</b>

\* THE "TOTAL PRINCIPAL BALANCE OWED" IS NOT THE AMOUNT NECESSARY TO PAY YOUR PLAN IN FULL . IT DOES NOT TAKE INTO ACCOUNT ANY BALANCE ON HAND, NOR DOES IT INCLUDE TRUSTEE'S FEES (ESTIMATED AT 11%), ACCRUING INTEREST, ANY CLAIMS THAT THE TRUSTEE IS NOT AWARE OF, OR "BASE PLAN" REQUIREMENTS. TO OBTAIN AN ESTIMATED PAYOFF BALANCE, PLEASE SUBMIT A WRITTEN REQUEST TO THE TRUSTEE.



Bridget Kelly <bridget@rodan13.com>

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**Re: Pierson**

1 message

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**Ben Heston** <ben@nexusbk.com>  
To: Bridget Kelly <bridget@rodan13.com>

Wed, Aug 23, 2023 at 11:14 AM

September - she'll be making her payment by the 5th.

On Wed, Aug 23, 2023 at 11:13 AM Bridget Kelly <bridget@rodan13.com> wrote:  
So which month does she want us to start paying the MP?

--  
*This e-mail and any other e-mail messages sent by the Chapter 13 Trustee or his staff are for the sole use of the intended recipient(s). These e-mail messages contain information belonging to Rod Danielson, Chapter 13 Trustee. All e-mail messages sent by the Trustee or his staff are privileged or confidential (or both). Any disclosure, copying, distribution or inclusion in pleadings is prohibited. Failure to abide by these terms may result in termination of e-mail privileges of the recipient with this office. If you are not the intended recipient or if you received this e-mail in error, please delete. Thank you!*

--  
**Benjamin Heston, Esq.**  
**NEXUS BANKRUPTCY**

**EXHIBIT B**

In re: **GRAYSON ANN PIERSON**

Debtor(s)

**Chapter: 13**

Case Number: **6:23-bk-13159-WJ**

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3787 University Avenue, Riverside, CA 92501.

A true and correct copy of the foregoing document entitled: **CHAPTER 13 TRUSTEE'S MOTION TO DISMISS AND OBJECTION TO PLAN CONFIRMATION** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Orders LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On

\_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service Information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On **11/29/2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing

Debtor

GRAYSON ANN PIERSON  
11355 8TH AVE  
HESPERIA, CA 92345-2002

Attorney for Debtor

NEXUS BANKRUPTCY  
100 BAYVIEW CIRCLE, STE  
100  
NEWPORT BEACH, CA  
92660

☐ Service Information continued on attached pag

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on **11/29/2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here

HONORABLE WAYNE E.  
JOHNSON  
3420 TWELFTH STREET  
COURTROOM 304  
RIVERSIDE, CA 92501-3819

☐ Service Information continued on attached pag



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and corre

11/29/2023

Date

Susan Jones

Printed Name

  
Signature